



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.210 OF 2025
WITH
CRIMINAL APPLICATION NO. 451 OF 2025

Deepak S/o. Santosh Mali,
Age : 41 years, Occu. : Business,
R/o. Bodwad, District Jalgaon.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Bodwad,
Tq. Bodwad, Dist. Jalgaon.

... Respondent

.....

Mr. S. S. Thombre, Advocate for Applicant in BA/210/2025.
Mr. N. D. Batule, APP for Respondent – State.
Mr. Bhushan Mahajan, Advocate for Assist to PP in Cri. Appln.
451/2025.

.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 26th FEBRUARY, 2025
PRONOUNCED ON : 27th FEBRUARY, 2025

ORDER :

1. This is a regular bail application of the applicant on account of his arrest in Crime No.0001 of 2025 registered at Bodwad Police Station, District Jalgaon for offence punishable under sections 118(2), 118(1), 332(C), 352, 351(2), 351(3), 309(4), 54, 3(5), 189(2), 189(4), 191(2), 191(3) of the Bharatiya Nyaya Sanhita and under section 135 of the Maharashtra Police Act.

2. Criminal Application No.451 of 2025 filed by informant for intervention seeking permission to assist the public prosecutor is allowed.

3. Pointing to the date of arrest as 10.01.2025, learned counsel submitted that, alleged occurrence is of 04.01.2025, but reporting is of 05.01.2025. That, there are allegations of causing grievous injury. That, as regards to present applicant is concerned, there are allegations of hitting by handle of the axe. That, there is dispute over piece of land. That, recovery is already effected. That, nothing more is to be recovered or discovered at the instance of applicant. Therefore, according to learned counsel, further custody of applicant is unwarranted. That, applicant is behind bars since around two months. That, he is ready to abide any conditions imposed by this court. For all above reasons, learned counsel urges for bail.

4. Learned APP opposed on the ground that applicant is named. He has assaulted informant as well as his parents. That, injury certificates are on record and article is also seized at his instance. He further submitted that, investigation is still in progress. For all above reasons, he opposes the relief as prayed.

5. Learned counsel for original complainant, who was allowed to assist to APP also strongly opposed on the ground that informant and his parents are assaulted by articles like fighter, axe and caused grievous injuries and he also apprehends misuse of liberty.

6. Heard. Perused the papers. FIR is at the instance Purushottam Choudhari, shows that, on 04.01.2025, between 4:30 to 5:00 p.m., when he and his parents were undertaking construction of a shed, Deepak Santosh Mali i.e. present applicant, Santosh Supada Mali, Pritish Jain and three unknown persons entered the shed, by use of axe started damaging the shed. When informant questioned them, it is alleged that, present applicant hit him with fighter on the face, breaking his teeth and caught hold of his throat. When his parents came, it is alleged that, present applicant hit his father on head by means of axe and its handle. Santosh allegedly gave instigation and Pritesh Jain hit his mother with sticks. Informant's chain was also snatched. On above report, crime has been registered for causing grievous hurt, causing injury, house trespass and criminal intimidation and robbery. Police papers carries injury certificates of injured. Informant is shown to have suffered blunt trauma on shoulder, abrasion on

shoulder, loss of teeth, blunt trauma to legs and genitals, whereas informant's father Murlidhar has suffered abrasion on scalp and blunt trauma on arm and back. Whereas, Vimalbai has suffered blunt trauma to leg, forearm and middle finger.

7. Police papers show that seizure of article is already effected on 10.01.2025 i.e. wooden handle axe, its blade, fighter and stick. Therefore, as submitted recovery is already effected. Learned counsel for informant tried to submit that stolen gold chain is yet to be seized. However, statement is made across the bar by learned counsel that it is already recovered at the instance of Pritesh Jain and he is already shown to be beneficiary of bail. His bail order is also placed on record.

Considering the above nature of allegations and when nothing further is shown to be recovered or discovered, no purpose would be served by further detention. Hence, the following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Deepak S/o. Santosh Mali be released on bail in connection with Crime No.0001 of 2025 registered with Bodwad Police Station, District Jalgaon on executing P.B. of Rs.15,000/- with one surety in the like amount.

- (iii) Applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicant shall not tamper prosecution evidence.
- (v) Criminal Application No.451 of 2025 is also disposed of.

(ABHAY S. WAGHWASE, J.)